No. 200100147

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Agriculture & Agri-Food Canada

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR USING IT IN DUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY TECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE 84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, DURUM

'AC Avonlea'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this third day of December, in the year two thousand one.

Attest:

Paul M. Jabara

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

Local Reproduction of FORM - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the privacy Act of 1974 (5 U.S.C. 552a)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421) Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) *(as it is to appear on the Certificate)*
J.M. Clarke

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

3. VARIETY NAME
AC Avonlea

4. ADDRESS *(Street and No. or R.F.D. No., City, State, and Zip Code)*
Semiarid Prairie Agricultural Research Centre
Agriculture & Agri-Food Canada
Box 1030
Swift Current, Saskatchewan
S9H 3X2

5. TELEPHONE *(include area code)*
306-778-7221

6. FAX *(include area code)*
306-773-9123

PVPO NUMBER
200100147

LINING DATE
MARCH 29, 2001

7. GENUS AND SPECIES NAME
Tritcum turgidum L. var durum

8. FAMILY NAME *(Botonical)*
Gramineae

9. CROP KIND NAME *(common name)*
Hard Amber Durum Wheat

FEES RECEIVED
FILING AND EXAMINATION FEE
2450.00 + 255.00
DATE
3/29/01 4/10/01

CERTIFICATION FEE
320.00
DATE
9/28/01

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION*(corporation, partnership, association,etc.)* *(common name)*
Canadian Department of Agriculture

11. IF INCORPORATED, GIVE STATE OF INCORPORATION

12. DATE OF INCORPORATION

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
J.M. Clarke
Semiarid Prairie Agricultural Research Centre
Agriculture and Agri-Food Canada
Box 1030; Swift Current, Saskatchewan
Canada S9H3X2

14. TELEPHONE *(include area code)*

15. FAX *(include area code)*

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(follow instructions on reverse)*

a. [X] Exhibit A. Origin and Breeding History of the Variety
b. [X] Exhibit B. Statement of Distinctness
c. [X] Exhibit C. Objective Description of the Variety
d. [X] Exhibit D. Additional Description of the Variety
e. [X] Exhibit E. Statement of the Basis of the Applicant's Ownership
f. [X] Voucher Sample *(2,500 viable untreated seeds, or, for tuber propagated varieties veification that tissue culture will be deposited and maintained in a public repository)*
g. [X] Filing and Examination Fee *($2,450)*, made payable to "Treasurer of the United States" *(Mail to PVPO)*

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
[X] YES *(if "yes", answer items 18 and 19 below)* [ ] NO *(if 'no", go to item 20)*

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
[ ] YES [X] NO

19. IF 'YES' TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDERS SEED?
[ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
[X] YES *(IF "YES", give names of countries and dates)* [ ] NO
Canada; Breeder Seed sold April 1997.

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s))
J.M. Clarke

NAME *(Please print or type)*
J.M. CLARKE

CAPACITY OR TITLE
Wheat Breeder

DATE
January 15, 2001

SIGNATURE OF APPLICANT (Owner(s))

NAME *(Please print or type)*

CAPACITY OR TITLE

DATE

SD-470 (04-95)

(See reverse for instructions and information collection burden statement)

Exhibit A.
Origin and Breeding History of AC Avonlea

AC Avonlea was selected from the cross 8267-AD2A/DT612 made in 1987. The parent 8267-AD2A derives from the cross DT379/DT367, and DT612 derives from the cross DT367/Medora. DT367 (PI54060) is S-017/Wascana//7168, wherein S-017 is an introduction from CIMMYT and 7168 is a selection from an F1 diallelle introduced from the University of Manitoba. DT 379 (D6676/Quilafen) is a breeding line from the University of Saskatchewan, wherein D6676 is a breeding line introduced from North Dakota State University and Quilafen is a cultivar introduced from Chile. AC Avonlea was developed using a modified pedigree technique. The F2 was grown as individual plants in a leaf and stem rust epiphytotic nursery at Swift Current in 1988. The F3, F5 and F7 generations were grown as head rows in a winter nursery near Brawley, California to produce seed for yield tests. Two replicate F4, F6 and F8 yield trials were grown neat Swift Current and Regina in 1989 through 1991 and selected for agronomic performance, disease resistance and quality (protein, pigment, gluten strength). Leaf and stem rust reactions were assessed in hill plots in the F4, F6 and F8 generations in a leaf and stem rust epiphytotic nursery near Glenlea, Manitoba. The stem rust races used included QTH, TPM, TMR, RHT, and RKQ. The races of leaf rust used were those multiplied from collections made the previous year (Kolmer 1994). Races T26, T32 and T33 of loose smut and races L1, L16, T1, T6, T13 and T19 of common bunt were used for screening of the Durum Cooperative Test entries. The race designations are those described by Roelfs and Martens (1988) for stem rust, Long and Kolmer (1989) for leaf rust, Hoffmann and Metzger (1976) for common bunt, and Nielsen (1987) for loose smut.

AC Avonlea was evaluated in the Durum Western 'A' Test (five locations) in 1992, in the Durum 'B' Test (six locations) in 1993, and as DT 661 in the Durum Cooperative Test in 1994-1996. Two hundred and fifty uniform plants were selected from an F6-derived F11 single plant progeny row grown at Swift Current in 1994. One-hundred and forty-four of these were grown in 3-m progeny rows at Swift Current in 1995, and 131 of these were

grown in 15-m rows at Indian Head, SK in 1996 and bulked to produce Breeder seed

AC Avonlea is uniform and stable as observed during eight generations since 1992. A low frequency of short (1 in 6400), tall (1 in 7200), black awned (1 in 18,000), bronze chaff (1 in 60,000), and awnless (1 in 90,000) plants were rogued from the 1996 Breeder seed increase. Up to 1% variant plants may be encountered in subsequent generations.

Exhibit B.
Statement of Distinctness

AC Avonlea is similar to the hard amber durum wheat 'AC Navigator'. However, it can be distinguished by the following morphological characteristics:

- AC Avonlea has an inclined head curvature (Berthoud, Colorado and Ft. Collins, Colorado 2000). AC Navigator has an erect head curvature (Berthoud, Colorado and Ft. Collins, Colorado 2000).

- AC Avonlea has medium length brush hairs on the tip of the seed (Berthoud, Colorado and Ft. Collins, Colorado 2000). AC Navigator has short hairs on the tip of the seed (Berthoud, Colorado and Ft. Collins, Colorado 2000).

- AC Avonlea has white awns (Berthoud, Colorado and Ft. Collins, Colorado 2000). AC Navigator expresses black tipped awns.

- AC Avonlea is a standard height hard amber durum variety. AC Navigator is a semidwarf hard amber durum.

- AC Avonlea has a long glume length (Berthoud, Colorado and Ft. Collins, Colorado 2000). AC Navigator has a narrow to mid-wide glume width (Berthoud, Colorado and Ft. Collins, Colorado 2000).

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY

WHEAT (*Triticum* Spp.)

NAME OF APPLICANT(S)	FOR OFFICIAL USE ONLY
J.M. Clarke	PVPO NUMBER 200100147
ADDRESS (*Street and No. or R.F.D. No., City, State, and Zip Code*) **Semiarid Prairie Agricultural Research Centre** **Box 1030; Swift Current, Saskatchewan S9H 3X2**	NAME OR EXPERIMENTAL DESIGNATION **AC Avonlea**

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in the first box when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized standard may be used to determine plant colors; designate system used.
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

[2] 1=Common 2=Durum 3=Club 4=Other (*specify*) _____

2. VERNALIZATION:

[1] 1=Spring 2=Winter 3=Other (*specify*) _____

3. COLEOPTILE ANTHOCYANIN:

[2] 1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

[3] 1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (*boot stage*):

[3] 1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (*boot stage*):

[2] 1 = Erect 2 = Recurved

[2] 1 = Not Twisted 2 = Twisted

7. EAR EMERGENCE:

[0][2] Number of Days Earlier Than **Kyle** *

[0][0] Number of Days Later Than _____ *

8. ANTHER COLOR:

[1] 1 = YELLOW 2 = PURPLE

9. PLANT HEIGHT (*from soil to top of head, excluding awns*):

[0][0] cm Taller Than _____ *

[1][3] cm Shorter Than **Kyle** *

* Relative to a PVPO-Apprved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

[1] 1= Absent 2=Present

B. WAXY BLOOM

[2] 1=Absent 2=Present

C. HAIRINESS (*last internode of rachis*)

[1] 1=Absent 2=Present

D. INTERNODE (*specify number*) _____

[1] 1=Hollow 2=Semi-solid 3=Solid

E. PEDUNCLE

[1] 1=Erect 2=Recurved

[3][6] cm Length

11. HEAD (*at Maturity*):

A. DENSITY

[3] 1=Lax 2=Middense 3= Dense

B. SHAPE

[2] 1 = Tapering 2= Strap 3 = Clavate 4 = Other (*specify*) _____

C. CURVATURE

[2] 1 = Erect 2 = Inclined 3 = Recurved

D. AWNEDNESS

[4] 1 = Awnless 2 = Apically Awnletted 3 = Awnletted 4 = Awned

12. GLUMES (*at Maturity*):

A. COLOR

[1] 1 = White 2 = Tan 3 = Other (*specify*) _____

B. SHOULDER

[2] 1 = Wanting 2 = Oblique 3 = Rounded 4 = Square 5 = Elevated 6 = Apiculate

C. BEAK

[3] 1 = Obtuse 2 = Acute 3 =Acuminate

D. LENGTH

[3] 1 = Short (ca. 7mm) 2 = Medium (ca. 8mm) 3 = Long (ca. 9mm)

E. WIDTH

[3] 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm) 3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

[3] 1 = Ovate 2 = Oval 3 = Elliptical

B. CHEEK

[2] 1=Rounded 2=Angular

C. BRUSH

[2] 1=Short 2=Medium 3=Long

[1] 1 = Not Collared 2 = Collared

D. CREASE

[2] 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

[2] 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

13. SEED: (continued)

E. COLOR

[2] 1 = White 2 = Amber 3 = Red 4 = Other (*specify*) _____

F. TEXTURE

[1] 1=Hard 2=Soft

G. PHENOL REACTION (*see instructions*):

[0] 1 = Ivory 2 = Fawn 3 = Light Brown 4 = Dark Brown 5 = Black

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

[2]	Stem Rust (*Puccinia graminis* f. sp. *tritici*) Field races QTH, TPM, TMR, RHT, RKQ	[2]	Leaf Rust (*Puccinia recondita* f. sp. *tritici*) Field races
[0]	Stripe Rust (*Puccinia striiformis*)	[1]	Loose Smut (*Ustilago tritici*)
[3]	Tan Spot (*Pyrenophora tritici-repentis*)	[0]	Flag Smut (*Urocystis agropyri*)
[0]	Halo Spot (*Selenophoma donacis*)	[2]	Common Bunt (*Tilletia tritici or T. laevis*)
[0]	*Septoria nodorum* (Glume Blotch)	[0]	Dwarf Bunt (*Tilletia controversa*)
[0]	*Septoria avenae* (Speckled Leaf Disease)	[0]	Karnal Bunt (*Tilletia indica*)
[0]	*Septoria tritici* (Speckled Leaf Blotch) Field races	[0]	Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*) Field races
[0]	Scab (*Fusarium* spp.)	[0]	Snow Molds
[0]	Black Point (Kernel Smudge)	[0]	Common Root Rot (*Fusarium, Cochliobolus* and *Bipolaris* spp.
[0]	Barley Yellow Dwarf Virus (BYDV)	[0]	Rhizoctonia Root Rot (*Rhizoctonia solani*)
[0]	Soilborne Mosaic Virus (SBMV) Field races	[0]	Black Chaff (*Xanthomonas campestris* pv. *translucens*)
[0]	Wheat Yellow (Spindle Streak) Mosaic Virus Field races	[0]	Bacterial Leaf Blight (*Pseudomonas syringae* pv. *syringae*)
[0]	Wheat Streak Mosaic Virus (WSMV) Field races	[ ]	Other (*specify*)
[ ]	Other (*specify*)	[ ]	Other (*specify*)
[ ]	Other (*specify*)	[ ]	Other (*specify*)
[ ]	Other (*specify*)	[ ]	Other (*specify*)

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

0	Hessian Fly (*Mayetiola destructor*)		Other (*specify*)
1	Stem Sawfly (*Cephus* spp.)		Other (*specify*)
0	Cereal Leaf Beetle (*Oulema melanopa*)		Other (*specify*)
0	Russian Aphid (*Diuraphis noxia*)		Other (*specify*)
0	Greenbug (*Schizaphis graminum*)		Other (*specify*)
0	Aphids		

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

Exhibit D.
Additional Description of AC Avonlea

AC Avonlea durum wheat was developed at the Agriculture and Agri-Food Canada Semiarid Prairie Agricultural Research Centre, Swift Current, Saskatchewan, by the Arid Prairie Wheat Program. AC Avonlea is a strong strawed standard height durum which combines high yield with high grain protein concentration. AC Avonlea has good resistance to leaf and stem rust.

Juvenile growth habit is erect. Plant color at boot stage is blue-green. Flag leaf at boot stage is recurved and twisted. Waxy bloom is present on the head, stem and flag leaf sheath. Head shape is strap and awned. Glumes are glabrous, wide in width and long in length with oblique shoulders and short acuminate beaks. Seed shape is elliptical. Brush hairs are medium in length. Seed crease depth is middeep and width is midwide. Seed cheeks are angular.

AC Avonlea is adapted to the durum production area of the northern Great Plains.

Table 1. Agronomic performance of AC Avonlea in comparison to Belzer, Ben, Munich, and Plaza at nine locations (four in North Dakota, two in Montana, one in Minnesota, and one in South Dakota) in 1999 (extracted from 1999 Uniform Regional Durum Wheat Nursery report, E. Elias, S. Stancyk, and G. Johnson).

	Yield (kg/ha)	**Test Weight** (kg/hL)	**Thousand Kernel Weight** (g)	**Height** (cm)	**Leaf Dis.**	**Scab**
AC Avonlea	3449	72.8	33.2	102	4.4	5.3
Belzer	3496	71.8	36.2	94	4.7	3.8
Ben	3369	75.0	36.3	94	3.0	6.0
Munich	3725	73.8	33.2	85	3.1	6.3
Plaza	3543	72.5	32.1	75	2.8	5.0
lsd.05	235	1.0	2.4	6.7	1.2	1.3

Table 2. Quality of AC Avonlea in comparison to Belzer, Ben, Munich, and Plaza at five North Dakota locations in 1999 (data courtesy of E. Elias, North Dakota State University)

	Wheat Protein (%)	**Vitreuos Kernels** (%)	**Semolina Extraction** (%)	**Semolina Protein** (%)	**Semolina Colour** (ppm)	**Mixogragh Pattern**
AC Avonlea	15.1	92	60.0	14.1	9.2	5.2
Belzer	14.2	92	59.7	13.3	8.7	6.6
Ben	14.5	92	61.7	13.6	8.9	5.6
Munich	13.8	88	60.9	13.0	9.5	4.4
Plaza	13.7	86	60.1	12.9	8.7	5.2
lsd.05	0.9	8.8	1.7	0.9	0.7	1.1

REPRODUCE LOCALLY. *Include form number and edition date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
J.M. Clarke		AC Avonlea

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP, and Country)*	5. TELEPHONE *(include area code)*	6. FAX *(include area code)*
Semiarid Prairie Agricultural Research Centre Agriculture and Agri-Food Canada Box 1030 Swift Current, Saskatchewan S9H 3X2	306-778-7221	306-773-9123

7. PVPO NUMBER 200100147

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block. If no, please explain:* ☐ YES ☒ NO

Applicant signing on behalf of Agriculture and Agri-Food Canada

9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☐ YES ☒ NO

If no, give name of country

10. Is the applicant the original owner? ☒ YES ☐ NO *If no, please answer one of the following:*

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership *(if needed, use reverse for extra space)*:

**Please see following page.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Exhibit E.
Statement of the Basis of Applicant's Ownership

John M. Clarke developed the variety (AC Avonlea) for which Plant Variety Protection if hereby sought. John M. Clarke performed this work in its entirety as an employee of Agriculture and Agri-Food Canada. As such, all rights to any invention, discovery, or development made by John M. Clarke are assigned to the Agriculture and Agri-Food Canada on behalf of Her Majesty the Queen in Right of Canada, with no rights of any kind pertaining to AC Avonlea being retained by John M. Clarke.

The rights to AC Avonlea were licenced to Quality Assured Seeds Inc. in April, 1997.